

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )

v. )

JAMES WILSON ROSS )

Date of Previous Judgment: September 28, 1999 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 3:97CR184-22

USM No: 13906-058

Eric Bach

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 144 months months **is reduced to** Time Served plus 10 days.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 38

Amended Offense Level: 36

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 235 to 293 months

Amended Guideline Range: 188 to 235 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

**III. ADDITIONAL COMMENTS**

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated 9/28/1999 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: March 5, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)



Frank D. Whitney  
United States District Judge

